

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

**DATE:** November 2, 2000

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA00-0085 for Variance

**PROPOSAL:** The applicant requests a variance to the height standard to allow the rear portion of a proposed four-level, 10 feet wide addition to an existing single-family dwelling to exceed the 35 feet height limit permitted under the R1 "Single-family Residential" zone.

**LOCATION:** In the North Tustin/Cowan Heights area at 12250 Circula Panorama. Supervisorial District.

**APPLICANT:** William V. Hankla

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA00-0085 for Variance subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The project site is a steep sloping parcel developed with a single-family dwelling. The existing four-level structure was built under previously approved Variance number VA82-32Z. This variance permitted a single-family dwelling, on the side of a downhill sloping lot, to be constructed at a height of 41 feet. The applicant proposes extensive remodeling to the existing dwelling. Besides remodeling the interior of the existing house, the applicant proposes to add a new 10 feet wide section to one side of house that would include mostly stairways to service the four levels. The new stairway replaces an existing spiral staircase located at the front of the property. In addition to the stairway the new construction would include an entryway, a powder room, laundry room, and a small storage area. The proposed addition would be located 5 feet from the side property line to the west.

The proposed addition would be the same height as the existing structure and follows the same roofline established by the existing structure. The Orange County Zoning Code requires that any additions to a structure, where a variance was previously approved, must conform to the current development standards or receive approval of a new variance to the development standard.

## **SURROUNDING LAND USE:**

The subject site as well as the surrounding properties are zoned R1 “Single-Family Residence”/10,000 (10,000 square feet minimum lot size), and development with single-family residences.

## **REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to two County Divisions. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. Staff has not received any communications for adjacent property owners regarding the proposal.

## **CEQA COMPLIANCE:**

The proposed project is Categorical Exempt (Class 5, minor alterations in land use limitations such as a variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

## **DISCUSSION/ANALYSIS:**

The structure was originally constructed under Variance VA82-32Z that permitted a structure height of 41 feet. The applicant is permitted to make additions to the structure, provided the additions conform to the current development standards. In order for the applicant to continue the same building design and height established by the Variance, approval of a new Variance is required.

When the structure is viewed from the front of the property, it is only one-story in height. Building height is measured from the finished grade. On a sloping property site, height measurements are more difficult. Because the property slopes severely downward from the front property line, the rear edge of the top floor penetrates the height envelope established for the property. Homes on either side of the subject site have the same situation. For example, the home to the right (as viewed from the front of the property) appears to be twice as tall as the subject site structure at the front of the property. However, because the way height envelopes are calculated for each lot, and the design of the roof, the home to the right conforms to the height envelope.

Staff did not notice any specific planning issues associated with this proposal. The project is mostly staircase addition to replace the existing spiral staircase. The height of the structure as viewed from the front will not change. The new addition proposed is consistent with the original structure height permitted under Variance VA82-32Z and conforms to the other R1 District site development standards.

However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator can not make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings and approve the Variance request. The special circumstances for approving the variance requested for this proposal is in Appendix A, Finding number 6.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0085 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief  
CPSD/Site Planning Section

WVM

Folder: D/Variance/Variance 2000/PA00-0085 Staff

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
2. Site Plans with site photos

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.